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20 and Melvino Technologies Limited

21
22 UNITED STATES DISTRICT COURT
23 FOR THE EASTERN DISTRICT OF CALIFORNIA

24 ARRIVALSTAR S.A. and MELVINO) Case No.:
25 TECHNOLOGIES LIMITED,)
26 Plaintiffs,) COMPLAINT FOR PATENT
27 v.) INFRINGEMENT
28 THE CITY OF VACAVILLE and THE CITY) DEMAND FOR JURY TRIAL
29 OF VISALIA)
30 Defendants.)

31 Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively, "ArrivalStar")
32 or ("Plaintiffs"), by and through their undersigned attorneys, for their complaint against defendant
33 the City of Vacaville ("Vacaville") and the City of Visalia ("Visalia") (Vacaville and Visalia are
34 referred to herein as "Defendants") hereby allege as follows:

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JURISDICTION

2 1. This action involves claims for patent infringement arising under the patent laws
3 of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction
4 over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

5
VENUE

6 2. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

7
THE PARTIES

8 3. ArrivalStar S.A. is a corporation organized under the laws of Luxembourg and
9 having offices at 67 Rue Michel, Welter L-2730, Luxembourg.

10 4. Melvino Technologies Limited is a corporation organized under the laws of the
11 British Virgin Island of Tortola, having offices at P.O. Box 3152, RG Hodge Building, Road
12 Town, Tortola, British Virgin Islands.

13 5. Defendant Vacaville is a political organization existing under the laws of the State
14 of California with a place of business at 650 Merchant Street, Vacaville, California 95688.
15 Vacaville transacts business and has, at a minimum, offered to provide and/or provided in this
16 judicial district and throughout the State of California services that infringe claims of the '060,
17 '891, '801, '859, '606, '359, and '107 patents.

18 6. Defendant Visalia is a political organization existing under the laws of the State
19 of California with a place of business at 425 East Oak Avenue, Visalia, Califomia 93291.
20 Visalia transacts business and has, at a minimum, offered to provide and/or provided in this
21 judicial district and throughout the State of California services that infringe claims of the '060,
22 '891, '801, '859, '606, '359, and '107 patents.

23
THE PATENTS

24 7. ArrivalStar owns all right, title and interest in, and has standing to sue for
25 infringement of United States Patent No. 6,317,060 ("the '060 patent"), entitled "Base station
26 system and method for monitoring travel of mobile vehicles and communicating notification
27 messages" issued November 13, 2001. A copy of the '060 patent is annexed hereto as Exhibit A.

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1 8. ArrivalStar owns all right, title and interest in, and has standing to sue for
2 infringement of United States Patent No. 6,411,891 ("the '891 patent"), entitled "Advance
3 notification system and method utilizing user-definable notification time periods" issued June 25,
4 2002. A copy of the '891 patent is annexed hereto as Exhibit B.

5 9. ArrivalStar owns all right, title and interest in, and has standing to sue for
6 infringement of United States Patent No. 6,486,801 ("the '801 patent"), entitled "Base station
7 apparatus and method for monitoring travel of a mobile vehicle" issued November 26, 2002. A
8 copy of the '801 patent is annexed hereto as Exhibit C.

9 10. ArrivalStar owns all right, title and interest in, and has standing to sue for
10 infringement of United States Patent No. 6,714,859 ("the '859 patent"), entitled "System and
11 method for an advance notification system for monitoring and reporting proximity of a vehicle"
12 issued March 30, 2004. A copy of the '859 patent is annexed hereto as Exhibit D.

13 11. ArrivalStar owns all right, title and interest in, and has standing to sue for
14 infringement of United States Patent No. 6,804,606 ("the '606 patent"), entitled "Notification
15 systems and methods with user-definable notifications based upon vehicle proximities" issued
16 October 12, 2004. A copy of the '606 patent is annexed hereto as Exhibit E.

17 12. ArrivalStar owns all right, title and interest in, and has standing to sue for
18 infringement of United States Patent No. 6,904,359 ("the '359 patent"), entitled "Notification
19 systems and methods with user-definable notifications based upon occurrence of events," issued
20 June 7, 2005. A copy of the '359 patent is annexed hereto as Exhibit F. The '359 patent was the
21 subject of an Inter Partes reexamination at the United States Patent and Trademark Office. A
22 Reexamination Certificate was issued on May 25, 2010 and is annexed hereto as Exhibit G.

23 13. ArrivalStar owns all right, title and interest in, and has standing to sue for
24 infringement of United States Patent No. 7,089,107 ("the '107 patent"), entitled "System and
25 method for an advance notification system for monitoring and reporting proximity of a vehicle"
26 issued August 8, 2006. A copy of the '107 patent is annexed hereto as Exhibit H.

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1 DEFENDANT VACAVILLE'S ACTS OF PATENT INFRINGEMENT

2 14. Defendant Vacaville has infringed claims of the '060, '891, '801, '859, '606,
3 '359, and '107 patents through, among other activities, the use of Vacaville's City Coach Real-
4 Time Bus Tracking system.

5 15. Defendant Vacaville's infringement has injured and will continue to injure
6 ArrivalStar unless and until this Court enters an injunction prohibiting further infringement and,
7 specifically, enjoining further use of methods and systems that come within the scope of the
8 '060, '891, '801, '859, '606, '359, and '107 patents.

9 DEFENDANT VISALIA'S ACTS OF PATENT INFRINGEMENT

10 16. Defendant Visalia has infringed claims of the '060, '891, '801, '859, '606, '359,
11 and '107 patents through, among other activities, the use of Visalia's Transit Division Bus GPS
12 Tracker system.

13 17. Defendant Visalia's infringement has injured and will continue to injure
14 ArrivalStar unless and until this Court enters an injunction prohibiting further infringement and,
15 specifically, enjoining further use of methods and systems that come within the scope of the
16 '060, '891, '801, '859, '606, '359, and '107 patents.

17 PRAAYER FOR RELIEF

18 WHEREFORE, Plaintiffs ask this Court to enter judgment against the Defendants, and
19 against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert
20 or participation with them, granting the following relief:

21 A. An award of damages adequate to compensate ArrivalStar for the infringement
22 that has occurred, together with prejudgment interest from the date that Defendant's
23 infringement of the ArrivalStar patents began;

24 B. Increased damages as permitted under 35 U.S.C. § 284;

25 C. A finding that this case is exceptional and an award to ArrivalStar of its attorneys'
26 fees and costs as provided by 35 U.S.C. § 285;

27 D. A permanent injunction prohibiting further infringement, inducement and
28 contributory infringement of the ArrivalStar patents; and

E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

3 ArrivalStar demands a trial by jury on all issues presented in this Complaint.

Dated: June 19, 2012

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